UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/23012
12 September 1991

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL SUBMITTED IN ACCORDANCE WITH PARAGRAPH 6 OF SECURITY COUNCIL RESOLUTION 706 (1991)

1. The following report is submitted in accordance with paragraph 6 of Security Council resolution 706 (1991), which was adopted on 15 August 1991. Paragraph 6 reads as follows: "Further requests the Secretary-General in consultation with the International Committee of the Red Cross (ICRC) to submit within 20 days of the date of adoption of this resolution a report to the Security Council on activities undertaken in accordance with paragraph 31 of resolution 687 (1991) in connection with facilitating the repatriation or return of all Kuwaiti and third country nationals or their remains present in Iraq on or after 2 August 1990."

2. It will be recalled that in the months since the adoption of Security Council resolution 687 (1991) on 3 April 1991, the Secretary-General and the President of the Security Council have received a number of communications regarding the repatriation or return of Kuwaitis and third country nationals or their remains present in Iraq since 2 August 1990. For ease of reference, those communications which have been issued as documents of the Security Council are reprinted as annexes at the end of this report.

3. In a meeting with the President of the ICRC in Geneva on 28 August 1991, the Secretary-General drew attention to paragraph 6 of Security Council resolution 706 (1991). He recalled also the text of paragraph 31 of Security Council resolution 687 (1991), which reads: "Invites the International Committee of the Red Cross to keep the Secretary-General apprised as appropriate of all activities undertaken in connection with facilitating the repatriation or return of all Kuwaiti and third country nationals or their remains present in Iraq on or after 2 August 1990."

4. The ICRC has conveyed to the Secretary-General the following information for inclusion in this report:

A. Repatriation of former residents of Kuwait from Iraq to Kuwait

		Prisoners of war	Civilian internees
Operation no. 1:	6 March 1991	1	
Operation no. 2:	7 March 1991		1 174
Operation no. 3:	21-27 March 1991	4 176	862
Operation no. 4:	6 April 1991	1	20
		4 178	2 056

The ICRC points out that all but the second of the above repatriation exercises took place under its auspices. The 1,174 individuals that returned to Kuwait on 7 March 1991 were not registered with the ICRC.

B. Registration and repatriation of persons wishing to return to Kuwait

From the beginning of April to 18 August 1991 the ICRC registered in Iraq 3,506 names of civilians, civilian internees or prisoners of war wishing to return to Kuwait. Some prisoners of war and civilian internees were registered by ICRC delegates in detention centres. The large majority of the 3,506 persons came spontaneously to the ICRC office in Baghdad where ICRC delegates recorded their personal data for transmission to the Kuwaiti authorities who, in turn, determine eligibility for repatriation. As of 29 August 1991, Kuwait has authorized the return of 206 persons registered by the ICRC (41 prisoners of war, 53 civilian internees and 112 civilians), all of whom have been repatriated to Kuwait under ICRC auspices.

C. Repatriation of third country nationals

The ICRC has supervised the repatriation of 23 prisoners of war of the United States, 12 prisoners of war of the United Kingdom and 2 prisoners of war of Italy. The ICRC has also supervised the repatriation to Saudi Arabia of 28 prisoners of war, 33 civilian internees and 49 civilians.

D. Kuwaiti list of civilians and military personnel missing since 2 August 1990

On 9 September 1991, the Kuwaiti authorities handed over to the ICRC Delegation in Kuwait a list containing 2,242 names of civilians and military personnel missing since 2 August 1990, and whom they presume have been arrested by the Iraqi authorities. The ICRC is transmitting this list to the Iraqi authorities.

Annex I

Letter dated 19 April 1991 from the Permanent Representative of Kuwait to the United Nations addressed to the President of the Security Council 1/

On instructions from my Government, I should like to convey to you our position concerning the failure by Iraq to abide by the terms of relevant Security Council resolutions, which puts into question the credibility and motives of the Iraqi regime.

In the first instance, it should be indicated that a humanitarian but urgent concern is not being addressed by the Iraqi Government, specifically, the commitment by Iraq to abide by the terms of paragraphs 2 (c) and 3 (c) of resolution 686 (1991) and of paragraph 30 of resolution 687 (1991). Iraq is yet to repatriate the remaining Kuwaiti prisoners of war and detainees estimated at 5,433.

Second, Iraq has not to date declared its acceptance under the terms of paragraph 1 (b) of resolution 686 (1991) of its liability for any loss, damage or injury arising in regard to Kuwait and third States, and their nationals and corporations, as a result of the invasion and illegal occupation of Kuwait by Iraq.

Third, in spite of its declared readiness to return property seized in Kuwait, Iraq has not to date returned to Kuwait any of those items seized by it. Iraq has yet to implement faithfully the terms of paragraph 2 (d) of resolution 686 (1991) which demands that Iraq "immediately begins to return all Kuwaiti property seized by Iraq, to be completed in the shortest possible period".

1/ See document S/22512, dated 19 April 1991.

Annex II

Letter dated 3 June 1991 from the Chargé d'Affaires a.i. of the Permanent Mission of Kuwait to the United Nations addressed to the President of the Security Council 2/

On instructions from my Government, I should like to bring to your attention the following:

First, in spite of the provisions of paragraphs 2 (c) and 3 (c) of Security Council resolution 686 (1991), that Iraq immediately release under the auspices of the ICRC all Kuwaiti and third country nationals and arrange for immediate access to all POWs, Iraq is yet to release around 3,800 POWs and detainees of which around 700 are women and 730 are children 15 years old and below. Iraq has also been found wanting in allowing access to all POWs and detainees. Concern about their fate had been communicated to the Security Council in our letter of 20 May 1991.

Second, notwithstanding the provision of paragraph 2 (d) of resolution 686 (1991) that Iraq immediately begin to return all Kuwaiti property seized by Iraq, to be completed in the shortest possible period, to date, the only item returned to Kuwait is a single aircraft that the Iraqis had kept in Jordan.

Third, while Iraq has declared, in accordance with the provision of paragraph 2 (a) of resolution 686 (1991), that it has rescinded decisions regarding the annexation of Kuwait, recent statements by the Iraqi Vice-President (S/22655) clearly contradict the aforementioned declaration. These statements emphasize that implementation of Security Council resolutions is but a tactical move rather than a change of policy by Iraq.

Lastly, it should be emphasized that failure, to date, to return all POWs and detainees, return property seized from Kuwait, and cease hostile statements are indications that the "policies and practices of the Government of Iraq" are not in implementation of relevant Security Council resolutions. What is required of Iraq is not merely acceptance, but, as described in resolution 686 (1991), implementation of its acceptance of Security Council resolutions.

2/ See document S/22702 (annex), dated 13 June 1991.

Annex III

Letter dated 2 July 1991 from the Permanent Representative of Saudi Arabia to the United Nations addressed to the Secretary-General 3/

I have the pleasure, further to letter dated 11 June 1991 (S/22689) addressed to Your Excellency from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations, in which he transmitted a letter dated 8 June 1991 from the Minister for Foreign Affairs of Iraq, whereby he confirmed the Iraqi Government's undertaking to accept and comply with all the provisions of Security Council resolution 687 (1991) that are linked with the cease-fire in the Gulf War, to convey to Your Excellency, upon instructions from my Government, that Iraq has not complied with the provisions of section G of resolution 687 (1991) concerning the repatriation of all Kuwaitis and third country nationals, including Saudi Arabian nationals.

According to the information that the Saudi Arabian authorities concerned received from previously released prisoners and Iraqi refugees that are now in Saudi Arabia, it has been confirmed, without doubt, that there are at least 15 Saudi Arabians who have not been repatriated to Saudi Arabia until now.

3/ See document S/22760, dated 3 July 1991.

Annex IV

Letter dated 15 July 1991 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General 4/

With reference to the letter of the Permanent Representative of the Kingdom of Saudi Arabia to the United Nations, document S/22760 dated 3 July 1991, I wish to explain to you that the competent Iraqi authorities have advised in respect of the contents of the above-mentioned letter that they have notified the mission of the International Committee of the Red Cross (ICRC) in Baghdad of the arrest of 10 Saudi Arabian civilians because they contravened Iraqi laws and that they have been registered with ICRC. The Iraqi authorities have expressed their readiness to repatriate these 10, whose names are annexed hereto, once the above-mentioned authorities have issued them a pardon.

4/ See document S/22793, dated 15 July 1991.

Annex V

Letter dated 17 July 1991 from the Permanent Representative of Kuwait to the United Nations addressed to the President of the Security Council 5/

On instructions from my Government I should like to draw your attention to the failure by Iraq to abide by the terms of relevant Security Council resolutions, in particular those pertaining to the urgent humanitarian demand that Iraq immediately release under the auspices of the ICRC all Kuwaiti and third country nationals and arrange for the ICRC immediate access to all POWs and detainees. In this regard, I should like to convey the following:

First, there are around 1,890 Kuwaiti POWs and detainees still held by Iraq, in addition to 1,990 non-Kuwaiti POWs and detainees.

Second, a number of the above were detained at a restricted area in Baghdad, Al-Rahwaniya, near the International Airport. Others were detained at General Intelligence (Al-Mukhabarat) building in Al-Athimiya district in Baghdad.

Third, the ICRC confirmed our information on some locations of POWs and detainees, a matter which was brought to the attention of the members of the Council on 20 May 1991.

Fourth, POWs and detainees have recently been transferred to undisclosed locations. The ICRC have been denied information of, let alone access to, these new locations.

Fifth, since the cease-fire formally came into effect on 11 April 1991 only 68 POWs and detainees of different nationalities have been repatriated in five phases, on 15 and 25 May, 12 and 27 June and 14 July.

Sixth, it is noteworthy that before the cease-fire formally came into effect on 11 April 1991, Iraq had released through the ICRC 5,060 POWs and detainees of different nationalities. Around 1,498 more persons of different nationalities have escaped Iraq through various routes.

Seventh, Iraq includes those returned under family reunion in the total number of POWs and detainees thus inflating the number of repatriated POWs and detainees. To illustrate, 56 persons were released to Kuwaiti authorities on 14 July 1991, of which 53 persons qualified for family reunion, 2 were Kuwaiti POWs and the last was a Syrian detainee.

5/ See document S/22809, dated 18 July 1991.

While bringing the above to your attention, Kuwait wishes to emphasize its deep concern at the fate of those still held by Iraq. Our concern is compounded due to the recent transfer of POWs and detainees to undisclosed locations. Lastly, the Iraqi pattern of release of POWs and detainees puts into question the credibility and motives of the regime vis-à-vis a humanitarian matter of no apparent strategic asset to it.

Annex VI

Letter dated 5 August 1991 from the Permanent Representative of Kuwait to the United Nations addressed to the Secretary-General 6/

On instructions from my Government, I wish to inform you that the Iraqi regime, in an attempt to mislead the international community and to divert attention from the fact that it is detaining thousands of Kuwaiti and non-Kuwaiti prisoners of war in flagrant violation of Security Council resolutions 686 (1991) and 687 (1991), as well as of the third Geneva Convention, has persisted in submitting requests to the International Committee of the Red Cross (ICRC) on behalf of individuals it claims to be Kuwaiti citizens seeking to leave and return to Kuwait for the purpose of "reunion". In all, there have been 697 requests, listing 3,458 (three thousand four hundred and fifty-eight) individuals. Kuwait has approved the return of 252 (two hundred and fifty-two) Kuwaitis and non-Kuwaitis among those on the list after checking their identities and nationalities and verifying that they were included, before 1 August 1990, in the civilian population register of the State of Kuwait, a copy of which is deposited with the United Nations in accordance with Security Council resolution 677 (1990). The individuals concerned left Kuwait of their own accord during the brutal Iraqi occupation. They are not detained in Iraq, as may be seen from the fact that they applied to the ICRC office in Baghdad. Approval was given for the return of those whose identities were verified. Needless to say, their situation is entirely unrelated to that of the prisoners of war whose return has been requested by Kuwait and of whose names a full list was submitted to ICRC and transmitted to the authorities of the Iraqi regime. In attempting to mingle the former cases with those of Kuwaiti prisoners and detainees, the Iraqi regime's intention is simply to procrastinate and to confuse international public opinion with respect to Iraq's inhumane practices and failure to comply with the 1949 Geneva Convention relative to the Treatment of Prisoners of War.

We call upon you to draw the regime's attention to these blatant violations of the third Geneva Convention and to affirm that the Iraqi regime, by persisting in its failure to hand over the remaining prisoners, is contravening both the spirit and the letter of Security Council resolutions 686 (1991) and 687 (1991). In doing so, it is guilty of a flagrant breach of the provisions underlying the cease-fire declaration. All members of the Security Council and international humanitarian organizations are also urged to put pressure on the Iraqi regime with a view to ensuring its full and prompt implementation of the pertinent Security Council resolutions.

6/ See document A/45/1048-S/22893, dated 6 August 1991.

Annex VII

Letter dated 8 August 1991 from the Permanent Representative of Kuwait to the United Nations addressed to the Secretary-General 7/

On instructions from my Government, and with reference to my most recent letter, dated 5 August 1991 and issued as document S/22893, I have the honour to transmit to you herewith a detailed list, by nationality, of persons imprisoned or detained in Iraq; the total number of such persons is 2,479. A copy of this list has been sent to the International Committee of the Red Cross.

1.	Kuwaitis	1,839	
2.	Non-Kuwaitis	462	(of unknown nationality)
3.	Nationals of the United Arab Emirates	2	
4.	Saudis	66	
5.	Syrians	18	
6.	Egyptians	35	
7.	Omanis	2	
8.	Lebanese	14	
9.	Somali	1	
10.	Bahrainis	3	
11.	Filipinos	7	
12.	Indians	13	
13.	Pakistanis	4	
14.	Iranians	12	
15.	Sri Lankan	1	

We request that you do everthing within your power to exert pressure on the Iraqi authorities in order to secure the release of those prisoners and detainees and to put an end to their suffering and that of their families. We hope that all States and international organizations will express in no uncertain terms their resolute condemnation of the inhumane practices of the Iraqi authorities in detaining thousands of Kuwaiti nationals and persons of other countries who are residents of Kuwait.

7/ See document S/22921, dated 9 August 1991.

Annex VIII

Letter dated 29 August 1991 from the Minister for Foreign Affairs of Iraq to the United Nations addressed to the Secretary-General 8/

I wish to refer to the letter dated 17 July 1991 from the Permanent Representative of Kuwait to the United Nations, addressed to the President of the Security Council.

I have the honour to notify you of the following information concerning the situation of Kuwaiti nationals in Iraq since the end of the Gulf War.

1. The competent Iraqi authorities repatriated to Kuwait 6,328 Kuwaitis and 5 persons not of Kuwaiti nationality under the supervision of the delegation of the International Committee of the Red Cross (ICRC) during the period from 4 March to the present.

2. The ICRC delegation registered 3,400 Kuwaitis comprising 606 families who were in Iraq in addition to 159 individuals.

3. The Kuwaiti side agreed to the repatriation of 170 of the Kuwaitis referred to in paragraph 2 above. The Kuwaiti side is now attempting to delude Arab and international public opinion into believing that Iraq is concealing large numbers of Kuwaitis.

4. The Kuwaiti authorities are constantly endeavouring to impede the return of Kuwaitis to Kuwait on the pretext that verification procedures have not been completed. They have made a number of errors as testified by ICRC, the most recent of which was on 13 July when it had been decided to hand over a group of Kuwaitis but the Kuwaiti representative did not come to the Ar'ar area in Saudi Arabia to receive them. The handing over operation was postponed until 14 July, the ICRC delegation having confirmed that it had informed the Kuwaiti side of the time of the handing over.

We believe that the delay in the repatriation of the Kuwaitis who are still in Iraq, of which ICRC is aware, was directly caused by the Kuwaiti authorities who bear full responsibility for it.

Iraq is cooperating fully on this matter with ICRC and once again affirms its readiness to hand over all Kuwaitis who are in Iraq to the Kuwaiti side through ICRC. I should like the Secretary-General to exert pressure on the Kuwaiti side to receive them and not to exploit this matter for dishonourable publicity purposes.

8/ See document S/22992 (annex), dated 29 August 1991.